

REMARKS

The claims have been restricted under 35 USC § 121 between the following allegedly distinct species based on the Figures:

Species 1, Figures 5-7

Species 2, Figure 8

Species 3, Figure 9

Species 4, Figure 10

Species 5, Figure 11

The Examiner has required election of a single species for prosecution. Applicant elects to prosecute Species 1, shown in Figures 5-7, without traverse.

The election identifies claims 1-3, 7-18, and 27-29 as being generic. Applicant respectfully requests that claims 22 and 23 also be designated as generic claims, and that Figures 2-4 be included within Species 1. In particular, Figures 4 and 5-7 depict a pinch valve retrofit cartridge in accordance with the present invention, and Figures 2 and 3 depict a flush valve incorporating the pinch valve retrofit cartridge of Figures 4-7 in use therewith. The claims identified by the Examiner are generic to the pinch valve depicted in Figures 2-7 and claims 27-29 designated as generic by the Examiner are directed to a method involving retrofitting such a pinch valve into a flush valve, as depicted in Figures 2-7. Accordingly, the flush valve depicted in Figures 2 and 3 should be maintained with the Species 1 Figures, and claims 22 and 23 are generic to the specific flush valve incorporated the pinch valve of Species 1. Accordingly, it is respectfully requested that claims 22 and 23 be designated as generic along with those claims designated by the Examiner as generic claims.

Additionally, claims 4-6 and 24-26 read on the embodiment of Species 1. It is noted, however, that such claims are also generic to Species 1, 3, and 4. While claims 19-21 are specifically directed to the device depicted in Figure 8 of Species 2, all of the Species are still encompassed within the generic claims.

In view of the above election, Applicant respectfully requests the inclusion of claims 22 and 23 as generic claims.

Should the Examiner have any questions regarding any of this information or wish to discuss this matter in further detail, the Examiner is invited to contact Applicant's undersigned representative by telephone at 412-471-8815.

Respectfully submitted,

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